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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES E. KRACHT

Appeal 2009-004765
Application 09/922,175[1]
Technology Center 2400

Before JOSEPH F. RUGGIERO, MARC S. HOFF,
and THOMAS S. HAHN, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL[2]

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[1] The real party in interest is Cisco Technology.
[2] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-5, 13-16, 19-22, and 25-29. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant's invention relates to an auto-configuring Integrated Communication System (ICS) comprising an ICS chassis that includes a number of slots for routers, and other cards. Upon system initialization, the ICS automatically configures itself to identify all internal cards of the system by first verifying that a system switch processor (SSP) has been assigned an IP address. In a second step, the system requests a discovery protocol data package from the SSP and determines whether the discovery package corresponds to at least one internal card. If the package corresponds to at least one internal card, then the system discovers more information directly from the card or indirectly from the SSP (Abstract; Spec. 12:3-13:12).

Claim 1 is exemplary:

1. In a communications system apparatus with an Ethernet backplane and at least one internal occupant, a method for identifying internal occupants comprising:
verifying that a system switch processor ("SSP") has been assigned an IP address;
requesting a discovery protocol data package from said SSP;
determining whether said discovery protocol data package corresponds to said at least one internal occupant; and
if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Fee	US 6,415,314 B1	Jul. 2, 2002

Claims 1-5, 13-16, 19-22, and 25-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fee.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the Appeal Brief (filed June 19, 2008), the Reply Brief (filed April 11, 2008), and the Examiner's Answer (mailed August 28, 2008) for their respective details.

ISSUE

Appellant contends that Fee does not show "verifying that a system switch processor (SSP) has been assigned an IP address," since Fee teaches a symmetric system where all nodes self-assign an IP address to themselves without waiting or verification (App. Br. 5; Reply Br. 4). Appellant asserts that Fee fails to disclose the claimed limitation of "requesting a discovery protocol data package from said SSP," in that the Examiner has erred in his finding that the Distributed Chassis Agent (DCA) of Fee is equivalent to the SSP and that the DCA requests a discovery protocol data package from itself as the SSP (App. Br. 6). Furthermore, Appellant argues that Fee merely discloses that the DCA uses Management Information Bases (MIBs) to gather information about the chassis (App. Br. 6). Finally, Appellant asserts that the DCA and the SSP are not equivalent, since the DCA is a distributed chassis agent (software) and the SSP of Appellant's claimed invention is a system switch processor (hardware) (App. Br. 8; Reply Br. 2-3).

Appellant's contentions present us with the following dispositive issue:

Does Fee disclose a method for identifying internal cards within a communications system apparatus that requests a discovery protocol data package from a system switch processor (SSP)?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

The Invention

1. Cards that occupy slots in the ICS chassis include a built-in discovery protocol known in the art, such as the Cisco Discovery Protocol (CDP). Each card periodically sends messages that include an IP address and platform string to the SSP. The SSP derives interface information and generates a CDP (Cisco Discovery Protocol) data package for each card that contains an IP address, interface information, and a platform string. The ICS maintains a central data table that contains the discovery information that it receives from each of the cards during the process, in accordance with the Appellant's invention, the ICS requests the CDP data package from the SSP and gathers additional information from each card (Figs. 2, 3, and 6; Spec. 10:3-11:2 and 13:19-14:4).

Fee

2. Fee discloses that discovery is a continuous process wherein each module located within the networking chassis broadcasts an unsolicited message on both the local and remote system management bus (SMB1 and SMB10) networks. The message may include basis information such as:

Slot ID, LLAP address, MAC address, IP address, etc. (Figs. 1 and 3; col. 6, l. 45-col. 7, l. 24).

3. Fee discloses that each module builds its own slot table, wherein the SMB is monitored for messages to determine (1) the presence or absence of a module, (2) the ability to communicate with a module over the SMB, and (3) current status of each module (col. 7, ll. 22-34).

4. Fee discloses that each module may be polled for information about its resources and its applications (including interface information and platform information) (col. 7, ll. 35-49).

5. Fee discloses that when a module needs information that is stored remotely on another module, that each module has the ability to "fetch the rest from the remote modules" (col. 8, ll. 57-65).

6. Fee discloses that a module is selected to be the DCA based upon the module's available resources, current applications, current profile, etc. Once the DCA is selected, the DCA uses a MIB tree to gather information about the chassis and to effect control on the chassis such that the control is distributed across all modules within the chassis where each module maintains some of the data locally and fetches the rest from the remote modules (col. 7, l.50-col. 8, l.65).

PRINCIPLES OF LAW

Anticipation pursuant to 35 U.S.C § 102 is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

Claims 1-5, 13-16, 19-22, and 25-29

Independent claim 1 recites "requesting a discovery protocol data package from said SSP." Independent claims 13, 19, and 25 recite a similar claim limitation.

We consider Appellant's arguments to be persuasive to show Examiner error. Specifically, we do not agree with the Examiner's finding that Fee discloses that the system "request[s] a discovery protocol data package from said SSP" (Ans. 4-6). As the Specification discloses, the cards of the ICS chassis periodically send messages that include an IP address and platform string to the SSP (FF 1). The SSP derives interface information and generates a CDP (Cisco Discovery Protocol) data package for each card that contains an IP address, interface information and a platform string (FF 1).

Although the Examiner finds that the Fee DCA is equivalent to the SSP, Fee does not disclose that the DCA derives interface information to generate a discovery protocol data package (Ans. 4-6). Rather, Fee discloses that discovery is a continuous process wherein each module broadcasts an unsolicited message on both the local and remote system management bus (SMB1 and SMB10) networks (FF 2). Further, Fee discloses that each module builds its own slot table, wherein the SMB is monitored for messages to determine (1) the presence or absence of a module, (2) the ability to communicate with a module over the SMB, and (3) current status of each module (FF 3). In addition, Fee discloses that each module may be polled for information about its resources and its applications (FF 4). Finally, Fee discloses that when a module needs information that is stored

remotely on another module, that each module has the ability to "fetch the rest from the remote modules" (FF 5).

More particularly, Fee discloses that after a module is selected as the DCA, the DCA uses a MIB tree to gather information about the chassis and to effect control on the chassis such that the control is distributed across all modules within the chassis where each module maintains some of the data locally and fetches the rest from the remote modules (FF 6).

The distinction between the Appellant's invention and Fee is that Appellant's ICS populates one central data table (FF 1). Fee does not disclose a central slot table that must be populated by the system. Fee discloses that each module maintains its own slot table (FF 3). Thus, there is no need for the system in Fee to request a discovery protocol data package from the DCA or any module.

Claim 1 requires that the system requests the discovery protocol data package *from* the SSP. Fee does not disclose that the system requests from the DCA a discovery protocol data package that contains an IP address, interface information and a platform string associated with each module.

Therefore, we find that Fee does not disclose "requesting a discovery protocol data package from said SSP." As a result, we will not sustain the Examiner's rejection of independent claims 1, 13, 19, and 25 and that of dependent claims 2-5, 14-16, 20-22, and 26-29 under 35 U.S.C. § 102(b), we reverse the Examiner's rejection.

CONCLUSION

Fee does not disclose a method for identifying internal cards within a communications system apparatus that requests a discovery protocol data package from a system switch processor (SSP).

ORDER

The Examiner's rejection of claims 1-5, 13-16, 19-22, and 25-29 is reversed.

REVERSED

ELD

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